

**WEST VIRGINIA**  
**SECRETARY OF STATE**  
**KEN HECHLER**  
**ADMINISTRATIVE LAW DIVISION**

Form #4

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DEC 1 10 27 AM '97

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

**NOTICE OF RULE MODIFICATION OF A PROPOSED RULE**

AGENCY: WV Board of Examiners in Optometry TITLE NUMBER: 14-2

CITE AUTHORITY Chapter 30-8-2a and Chapter 30-8-2b

AMENDMENT TO AN EXISTING RULE: YES  NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: \_\_\_\_\_

TITLE OF RULE BEING AMENDED: \_\_\_\_\_

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: Series 2

Title 14-2 Rules for Expanded  
TITLE OF RULE BEING PROPOSED: Prescriptive Authority

THE ABOVE PROPOSED LEGISLATIVE RULE, FOLLOWING REVIEW BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE IS HEREBY MODIFIED AS A RESULT OF REVIEW AND COMMENT BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE. THE ATTACHED MODIFICATIONS ARE FILED WITH THE SECRETARY OF STATE.

Barbara J. Palmer

\$2.80

TITLE 14  
LEGISLATIVE RULES  
WEST VIRGINIA BOARD OF EXAMINERS IN OPTOMETRY

SERIES 2  
EXPANDED PRESCRIPTIVE AUTHORITY

FILED  
DEC 1 10 28 AM '97  
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**14-2-1. General.**

1.1. Scope. – This legislative rule establishes the requirements, procedures and standards for the certification and re-certification of individual optometrists, and expanded drug formulary, by the West Virginia Board of Examiners in Optometry, regarding prescriptive authority and expanded prescriptive authority, as defined in Chapter 30-8-2a. and 30-8-2b. of the West Virginia Code.

1.2. Authority. – W. Va. Code 30-8-2a. and 30-8-2b.

1.3. Filing Date.

1.4. Effective Date.

**14-2-2. Certification.**

In order to be permitted to prescribe oral drugs under the provisions of WV Code 30-8-2a and 30-8-2b, an registered optometrist shall apply to the Board for certification in order to qualify for certification, an optometrist shall:

2.1.a. Shall have previously attained topical therapeutic certification;

2.1.b. Shall satisfactorily complete, and pass an examination in, a course in clinical pharmacology as applied to optometry. This course shall have particular emphasis on the administration of oral pharmaceutical agents for the purpose of examination of the human eye, and analysis of ocular functions and treatment of visual defects or abnormal conditions of the human eye and its adnexa. In addition, the course shall include instruction on the clinical use of Schedule III, IV, and V agents. This course shall consist of a minimum of 30 hours of instruction in clinical systemic pharmacology. The course shall be taught by (1) a school or college of optometry or a medical school, accredited by a regional or professional accreditation organization which is recognized or approved by the council on postsecondary accreditation or by the United States Department of Education; (2) a federally sponsored health education center; or (3) other non-profit continuing education agencies in cooperation with appropriate optometry or medical school faculty. All courses of instruction shall be approved by the Board; and

2.1. c. Shall pass an examination relating to the treatment and management of ocular disease, which is prepared, administered, and graded by the National Board of Examiners in Optometry or other nationally recognized optometric organization as approved by the board.

**14-2-3 Re-certification.**

3.1. Each optometrist applying for annual re-certification shall furnish to the Board satisfactory evidence that he or she has acquired the continuing education hours required under the Board of Optometry Rule, Rules of the West Virginia Board of Optometry, 14CSR 1, to renew his or her annual registration. Of those required hours, an optometrist certified under the provisions of this rule shall furnish the Board with satisfactory evidence that at least six (6) hours of the required hours were acquired in educational optometric programs in ocular pathology or therapeutic pharmacological agents

**14-2-4. Insurance.**

4.1. All optometrists certified under this rule shall carry liability insurance coverage in an amount of not less than one million dollars (\$1,000,000). No optometrist shall practice under the provisions of this rule unless and until he or she has submitted to the board evidence of the liability insurance coverage required by this subsection.

4.2. It is the responsibility of each individual optometrist to furnish proof of current liability insurance coverage to the Board upon application for certification and re-certification.

**14-2-5. Procedures for Certification.**

5.1. The educational and training requirements for certification by the Board shall be from a college or university accredited by a regional or professional accreditation organization which is recognized or approved by the council on postsecondary accreditation or by the United States Department of Education.

**14-2-6. Fees.**

6.1. The administrative fee for the certification of an individual optometrist for an expanded scope of practice prescriptive authority is \$200.00.

6.2. The administrative fee for the re-certification of an individual optometrist for an expanded scope of practice prescriptive authority is \$200.00.

**14-2-7. Drug Formulary.**

7.1. The categories of oral drugs which are rational to the diagnosis and treatment of the human eye and its appendages and which optometrist certified under this rule may prescribe include:

7.1.a. Antihistamines;

7.1.b. Corticosteroids;

7.1.c. Analgesics; and

7.1.d. Anxiolytics.

**14-2-8. Restrictions.**

8.1. An optometrist may not establish a pharmacy in an optometric office or sell pharmaceutical agents prescribed in treatment unless there is a licensed pharmacist on staff and present when these prescriptions are filled. However, nothing in this section or in any other provision of law prohibits an optometrist who is certified under the provisions of this rule from administering or supplying pharmaceutical agents to a patient, without charge for the pharmaceutical agents, to initiate appropriate treatment.

8.2. Any optometrist practicing under the authority of this rule shall be held to the same standards of care as that of other health care practitioners providing similar services

8.3 . No optometrist shall practice under the provisions of this rule unless and until he or she submitted to the board evidence of satisfactory completion of all of the education requirements of 2.1.a., 2.1.b. and 2.1.c. of this rule and have been certified by the board as educationally qualified.



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Nov 24 11 59 AM '97

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

**WEST VIRGINIA LEGISLATURE**  
**Legislative Rule-Making Review Committee**

*State Capitol - Room MB-49*  
*Charleston, West Virginia 25305*  
*(304) 347-4840*

*Senator: Mike Ross, Co-Chairman*  
*Delegate: Mark Hunt, Co-Chairman*  
*Counsel: Debra A. Graham*

*Joseph A. Altizer, Associate Counsel*  
*Rita Pauley, Associate Counsel*  
*Audrey R. Ross, Admin. Assistant*

November 18, 1997

NOTICE OF ACTION TAKEN BY LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

TO: Ken Hechler, Secretary of State, State Register

TO: Dr. Clifton Hyre, President  
West Virginia Board of Examiners in Optometry  
115 Wilton Avenue  
Elkins, WV 26241-3260

FROM: Legislative Rule-Making Review Committee

PROPOSED RULE: *Rules for Expanded Prescriptive Authority (IACSR2)*

The Legislative Rule-Making Review Committee recommends that the West Virginia Legislature:

1. Authorize the agency to promulgate the Legislative Rule
  - (a) as originally filed
  - (b) as modified by the agency
2. Authorize the agency to promulgate part of the Legislative rule; a statement of reasons for such recommendation is attached. \_\_\_\_\_
3. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. \_\_\_\_\_
4. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation is attached. \_\_\_\_\_
5. Recommends that the rule be withdrawn; a statement of reasons for such recommendation is attached. \_\_\_\_\_

Pursuant to Code 29A-3-11(c), this notice has been filed in the State Register and with the agency proposing the rule.